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08/124,616	09/22/93	GRUBE	CM01946H

DONALD B. SOUTHARD
MOTOROLA, INC. - CORPORATE OFFICES
INTELLECTUAL PROPERTY DEPT.
1303 E. ALGONQUIN RD.
SCHAUMBURG, IL 60196

E3M1/0419

CHOULES, J.	
EXAMINER	
ART UNIT	PAPER NUMBER
2307	13

DATE MAILED: 04/19/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

SEE ATTACHED

Office Action Summary

Application No.
08/124,616

Applicant(s)
Grube et al.

Examiner
Jack M. Choules

Group Art Unit
2307



☒ Responsive to communication(s) filed on Jan 16, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-4, 6, 7, 11-14, 17, 18, 21, and 24 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-4, 6, 7, 11-14, 17, 18, 21, and 24 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2307

Part III DETAILED ACTION

1. Claims 1-4, 6, 7, 11-14, 17, 18, 21, and 24 are presented for examination.

2. The text of the Title 35, U.S. Code not in this action can be found in the prior Office Action, mailed Dec 7, 1994, and are incorporated by reference.

Response to Amendment

3. Applicant's arguments with respect to claims 1-4, 6, 7, 11-14, 17, 18, 21, and 24 have been considered but are deemed to be moot in view of the new grounds of rejection.

4. Based on amendments that narrowed the scope of the claims after final and with a new reference recently available to the examiner the finality of the prior office action has been removed and prosecution reopened.

Claim Rejections - 35 USC § 103

5. Claims 1-4, 6, 7, 11-14, 17, 18, 21, and 24 are rejected under 35 U.S.C. § 103 as being unpatentable over Dev et al. (hereafter Dev), patent no. 5,504,921 in view of Shing et al. (hereafter Shing), patent no. 5,495,610.

Art Unit: 2307

6. As to claims 21, Dev described a system comprising "a host computer" (col. 4, lines 16-32); "receiving network information" (col. 4, lines 45-51, col. 5, lines 39-52, and col. 6, lines 44-65); and "upon receiving" (col. 6, lines 57-62); and "determining" (col. 6, lines 11-28).

7. Dev does not detail "transmitting" and "determining" as he only shows the information going to a single user however clearly much of the information collected would be of value to other users such as which nodes and resources were available to them and one of skill in the art would realize it could be easily forwarded across the network of figure 2 including an wireless communication channel (col. 4, lines 45-51). Also, Shing describes a system that includes "determining" (col. 4, lines 16-22).

8. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Shing and Dev because allows updates to be distributed automatically to workstations that need them improving the versatility of the DP system.

9. As to claim 24, Dev taught "a plurality of computers" (fig. 2).

Art Unit: 2307

10. As to claims 11 and 12, Dev described a system comprising "a host computer" (col. 4, lines 16-32); "transmitting network information" (col. 4, lines 45-51, col. 5, lines 39-52, and col. 6, lines 44-65); "upon receiving" (col. 6, lines 57-62); and "after receiving" (col. 12, lines 1-15);.

11. Dev does not detail "transmitting" and "determining" as he only shows the information going to a single user however clearly much of the information collected would be of value to other users such as which nodes and resources were available to them and one of skill in the art would realize it could be easily forwarded across the network of figure 2 including an wireless communication channel (col. 4, lines 45-51). Also, Shing describes a system that includes "determining" (col. 4, lines 16-22).

12. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Shing and Dev because allows updates to be distributed automatically to workstations that need them improving the versatility of the DP system.

13. As to claim 13, Dev details providing "statistical information" after filtering with predefined filter parameters

Art Unit: 2307

(col. 7, lines 57-67). One of skill in the art would realize that these filters could be set up to pass information relevant to marketing and doing so would provide useful information.

14. As to claim 14, the examiner takes official notice that "verifying" authorization of software on a network is well known in the art. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to verify software on the network with Dev's invention as it can track software (col. 5, lines 11-16) and combining this function in the network management system provides protection of rights without a parallel system specifically set up for that purpose.

15. As to claim 17, one of skill in the art would realize the need to provide user information upon request and would know to implement the system to provide information to the user on command improving user satisfaction.

16. As to claim 18, Shing provides "updates" (col. 4, lines 16-22).

17. As to claims 1 and 2, Dev described a system comprising "a host computer" (col. 4, lines 16-32); "transmitting" "network information" (col. 4, lines 45-51, col. 5, lines 39-52, and

Art Unit: 2307

col. 6, lines 44-65); "upon receiving" (col. 6, lines 57-62); and "after receiving" (col. 12, lines 1-15);.

18. Dev does not detail "a plurality of computer networks", "transmitting", and "determining" as he only shows the information going to a single user however clearly much of the information collected would be of value to other users such as which nodes and resources where available to them and one of skill in the art would realize it could be easily forwarded across the network of figure 2 including an wireless communication channel (col. 4, lines 45-51). Also, Shing describes a system that includes "determining" (col. 4 , lines 16-22).

19. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to extend the system of Dev. to "a plurality of computer networks" by distributing the management of the network among the separate clusters of computers (fig. 2) by having a server for each cluster that maintained that cluster as a network and forwarded information to the overall management system as that would allow greater expansion of the computer system.

Art Unit: 2307

20. It would also have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to combine the teachings of Shing and Dev because allows updates to be distributed automatically to workstations that need them improving the versatility of the DP system.

21. As to claim 3, Dev details providing "statistical information" after filtering with predefined filter parameters (col. 7, lines 57-67). One of skill in the art would realize that these filters could be set up to pass information relevant to marketing and doing so would provide useful information.

22. As to claim 4, the examiner takes official notice that "verifying" authorization of software on a network is well known in the art. It would have been obvious to one of ordinary skill in the DP art at the time of the applicant's invention to verify software on the network with Dev's invention as it can track software (col. 5, lines 11-16) and combining this function in the network management system provides protection of rights without a parallel system specifically set up for that purpose.

23. As to claim 6, one of skill in the art would realize the need to provide user information upon request and would know to

Art Unit: 2307

implement the system to provide information to the user on command improving user satisfaction.

24. As to claim 7, Shing provides "updates" (col. 4 , lines 16-22).

Specification

25. Applicant is advised that the summary is missing from the specification.

Summary: A brief summary or general statement of the invention that is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases, it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention. See 37 CFR 1.73 Summary of the invention.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wrabetz et al. 5,442,791

Management of network resources see summery.

Serial Number: 08/124,616

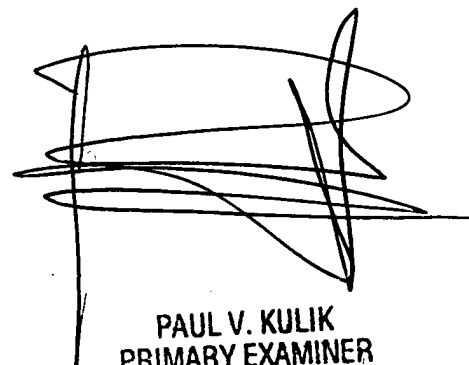
-9-

Art Unit: 2307

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Choules whose telephone number is (703) 305-9840. The examiner can normally be reached on Monday-Friday from 7:15 AM - 3:45 PM and generally on Monday and Wednesday until 5:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached at (703)-305-9707. The fax phone number for this Art Unit is (703)-308-5357 or 308-5356.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.



PAUL V. KULIK
PRIMARY EXAMINER
GROUP 2300



Jack M. Choules

April 15, 1996